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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/554,402	10/24/2005	Axel Huegle	502901-431PUS	4591
27799 7590 11/24/2009 COHEN, PONTANI, LIEBERMAN & PAVANE LLP 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176				
EXAMINER EVANSKO, LESLIE J				
ART UNIT 2854		PAPER NUMBER		
MAIL DATE 11/24/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/554,402

Applicant(s)

HUEGLE ET AL.

Examiner

Leslie J. Evanisko

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/02/09 & 07/22/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-22 is/are pending in the application.
- 4a) Of the above claim(s) 3-9 and 12-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/24/05 & 03/02/09 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 02-12-2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group V, claims 1, 10 and 11, in the reply filed on July 28, 2008 is acknowledged.
2. Claims 3-9 and 12-22 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 28, 2008.

Drawings

3. The replacement sheets of drawings were received on March 2, 2009. These drawings are approved by the Examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Hügler (also spelled Huegler)-(WO 02/063571 A1). Note that since the WO document is not in the English language, the Examiner has relied upon the equivalent US application

publication no 2004/0021763 A1 for a translation of the disclosure. All references below to particular paragraphs are set forth with respect to the text of the U.S. Publication.

With respect to claim 1, Hügler teaches a printer 1 for a tachograph for a motor vehicle comprising a housing 2, a printing unit comprising a print head 19, a media unit (12, 13, 15, and 17) for accommodating the medium 13 which is to be printed, the media unit comprising a carrier 10 and being movable jointly with the carrier, wherein the carrier 10 comprises lateral first guide elements arranged in the manner of a drawer (67, 68) and which interact with second guide elements in such a way that the carrier can moved in a push-in direction (in direction of arrow shown in Fig. 1) and counter to the push-in direction out of the housing, the media unit further arranged to be moved relative to the printing unit in the push-in direction into an operating position and counter to the push-in direction out of an operating position, and further moved at least partly out of the housing,

wherein the print head is configured to move together with the printing unit in the push-in direction and the printing unit is configured to be moved in the housing with a movement play, and

wherein means for orienting (62-65) the printing unit with respect to the media unit are provided and arranged such that the printing unit and the media unit are oriented with respect to one another when the media unit is pushed in the push-in direction. Particular attention is invited to Figures 1-6 and paragraphs [0021]-[0029] in particular.

With respect to claim 10, note Hügler teaches the printer includes at least one elastic element 59, 60, 61 arranged to press the printing unit counter to the push-in direction (at least to some extent) with a force such that the force presses the printing unit counter to the carrier when the latter is pushed in, as described in paragraph [0025] and [0028].

With respect to claim 11, note Hügler teaches the elastic element is arranged such that, when the media unit is not in the operating position, the elastic element presses the pressing unit in the housing against stops which limit the movement play, as described in paragraph [0028].

Response to Arguments

6. Applicant's arguments filed March 2, 2009 have been fully considered but they are not persuasive of any error in the above rejection.

In particular applicant argues that Huegle doesn't teach a printing unit comprising a print head, wherein the print head is configured to move together with the printing unit in the push-in direction" because the print head of Huegle only pivots and does not and cannot move in a push-in direction as recited. The Examiner disagrees with this argument for the following reasons. Firstly, it is pointed out that the claim language is recited as a "wherein" statement and appears to be merely a functional recitation of a desired mode of operation and fails to recite any particular structural elements to provide that specific function. Therefore, since Huegle teaches all of the structure as recited including a printing unit comprising a print head that is movable

together with the printing unit, it is broadly capable of being operated in the manner as recited and therefore meets the claim language.

Regardless, it is the Examiner's position that a pivoting movement of the print head would inherently create a movement of the printing unit and print head in the push-in direction to some extent since at least a portion of the movement during the pivoting action is toward the interior of the housing (i.e., in the push-in direction).

In view of the above reasoning, the Examiner is not persuaded of any error in the above rejections.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on T-F 8:00 am-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Leslie J. Evanisko /
Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje
November 21, 2009